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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Grigori N. Enikolopov and John Mignone

TECH CENTER 1600/2900

Application No.: 09/444,335

Group: 1632

#25/K.T.

Filed: November 19, 1999

Examiner: R. Schnizer

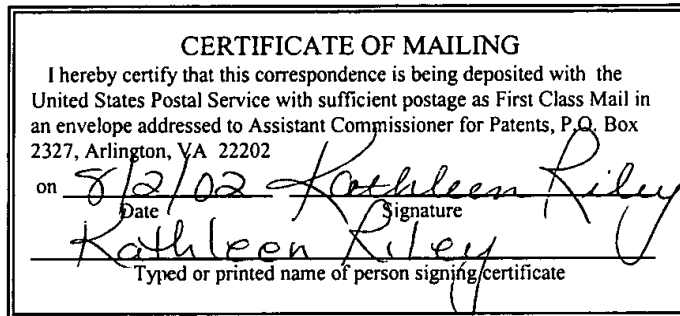
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For: TRANSGENIC MICE EXPRESSING FLUORESCENT PROTEIN IN  
MULTIPOTENT STEM AND PROGENITOR CELLS

SUPPL.

RESPONSE

w/declaration



SUPPLEMENTAL REMARKS

Assistant Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

Sir:

These Supplemental Remarks are being filed, together with a Declaration of Robert M. Hoffman, Ph.D. under 37 C.F.R. § 1.132, as a supplement to Amendment A that was filed with the United States Patent and Trademark Office on July 23, 2002 in the referenced application.

Applicants' Attorney thanks the Examiner for the telephone discussion on July 31, 2002 regarding the filing of the Supplemental Remarks and the Declaration. As discussed with the Examiner on July 31, 2002, the Declaration was not available at the time of filing Amendment A.

Entry and consideration of the Declaration of Dr. Robert M. Hoffman, Ph.D. under 37 C.F.R. § 1.132 are respectfully requested.

Declaration of Robert M. Hoffman, Ph.D. Under 37 C.F.R. § 1.132

In Amendment A, filed on July 23, 2002, Applicants submitted that the claimed transgenic mice have properties that are surprising and unexpected in light of the teachings of the prior art. Further support regarding the surprising and unexpected properties of the transgenic mice is presented in the Declaration filed herewith.

In his declaration, Dr. Hoffman states that he was surprised to detect such strong, well defined fluorescence in a live, young adult transgenic animal that had GFP integrated into its genome as a reporter of nestin gene expression. Further, Dr. Hoffman states that he was surprised by the presence of GFP under control of regulatory elements of the nestin gene in the pancreas and testes of these transgenic mice and by the intensity and definition of the fluorescence observed in these organs.

In the Declaration, Dr. Hoffman also states that he would not have expected that a transgenic mouse that had, integrated into its genomic DNA, the GFP gene, under the control of regulatory elements of the nestin gene, and that was produced by introducing into a fertilized egg, DNA that included GFP under the control of regulatory elements of the nestin gene, would exhibit the fluorescence intensity and fluorescence definition that was observed in his work with the mice of this invention.



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CONCLUSION

In view of the above remarks, the Declaration and the previously filed Amendment A, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Dated: August 2, 2002